

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

**ERIC BARROW,
Defendant.**

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CRIMINAL ACTION 09-179-KD-M

ORDER

This matter is before the Court on the Defendant's unopposed Sixth Motion to Continue Trial Setting (as Amended). (Docs. 62, 64). The Defendant has also filed a Waiver of Speedy Trial in conjunction with the motion. (Doc. 63).

As grounds for the motion to continue, counsel for Defendant asserts that he is still awaiting receipt of the computer expert's report and accordingly, cannot prepare the defense or advise the Defendant until the results are received. Additionally, counsel for Defendant asserts that depending upon the results, the United States may need more time to have their expert respond.

Upon consideration of the grounds presented in the motion and the Government's lack of objection to the continuance, the Court finds that the Defendant, who is in custody, will not be unduly prejudiced by a continuance to the next trial term. The Court also finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), "the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial." Moreover, the Court finds that the request for continuance so that a review of the computer expert report may be completed, as noted *supra*, is reasonable under the circumstances. See 18 U.S.C. § 3161(h)(7)(B)(iv) (identifying as a factor for consideration, the issue of "[w]hether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny . . . counsel for the defendant or the attorney for the Government the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence[]”).

Therefore, it is **ORDERED** that the Defendant’s motion (as amended) (Docs. 62, 64) is **GRANTED** and trial of this matter is hereby **CONTINUED** to the **June 2010 criminal trial term**, commencing with jury selection at **8:45 a.m.** on **June 1, 2010**.

The Clerk of the Court is **DIRECTED** to refer this matter to the appropriate Magistrate Judge for the scheduling of a new pretrial conference.

DONE and **ORDERED** this the **22nd** day of **April 2010**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE